

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BREAKIRON,	:	
Petitioner	:	
	:	Civil Action No. 00-300
v.	:	
	:	Judge Fischer
MARTIN HORN, et al.,	:	
Respondents	:	THIS IS A CAPITAL CASE

**RESPONDENT’S UNOPPOSED MOTION FOR THREE DAY EXTENSION OF TIME
TO FILE RESPONSE TO MOTION TO AMEND PETITION FOR HABEAS CORPUS**

Respondent, by its attorney, requests an enlargement of time within which to file its response, and in support thereof avers as follows:

1. This is a capital case.
2. Petitioner filed their supplemental motion to amend petition for habeas corpus on July 2, 2007.
3. Currently, the Response for the Respondent (“Commonwealth”) is due July 17, 2007.
4. Undersigned was out of the state for a pre-paid vacation starting close of business June 29, 2007 through July 13, 2007.
5. Counsel was advised late afternoon July 16, 2007, that he was needed in Berks County for a homicide trial in Berks County; *Commonwealth v. Alfredo Alicea*, No. 2478/06, *Peter Borelli*, No.2479/06, and *Tomasso Sculco*, No. 2481/06.
6. Undersigned’s secretary contacted Mr. Lev’s office and was notified that they did not oppose the Commonwealth’s request.

WHEREFORE, undersigned is requesting that the filing date for the Commonwealth's Response be extended until July 20, 2007.

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

RICHARD A. SHEETZ, JR.
Executive Deputy Attorney General
Criminal Law Division

AMY ZAPP
Chief Deputy Attorney General
Appeals and Legal Services Section

BY: [s] Christopher D. Carusone
CHRISTOPHER D. CARUSONE
Senior Deputy Attorney General
Attorney ID# 71160

OFFICE OF ATTORNEY GENERAL
Criminal Law Division
Capital Litigation Unit
16th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 787-6348

Date: July 17, 2007

CERTIFICATE OF SERVICE

AND NOW, this 17th day of July, 2007, I, Christopher D. Carusone, Senior Deputy Attorney General, counsel for respondents in the above-captioned matter, hereby certify that I this day served the foregoing **Motion for Extension of Time** upon the following individuals indicated below:

Stu Lev, Esquire
Defender Association of Philadelphia
Federal Division, Capital Habeas Corpus Unit
The Curtis Center, Suite 545 West
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Tricia Russell, Staff Attorney
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(Attorneys for Mark David Breakiron)

____/s/ Christopher D. Carusone
CHRISTOPHER D. CARUSONE
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